

# EXHIBIT D



Caitlin L. Bronner

February 6, 2014

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E-Mail: cbronner@ingramllp.com

**VIA E-MAIL AND REGULAR MAIL**

Hon. Stephen G. Crane (Ret.)  
c/o Virginia S. Corvey  
JAMS  
620 Eighth Avenue, 34<sup>th</sup> Floor  
New York, New York 10018

**Re: Branigan et al. v. Lakian et al., JAMS Ref. No. 1425012628**

Dear Judge Crane:

I write in response to Mr. Carmen's letter of yesterday requesting a three-week extension of the time to submit post-hearing briefs, to March 23, 2015.

In his letter, Mr. Carmen identifies as the purported basis for the requested adjournment his firm's involvement in the arraignment and bail proceedings stemming from Mr. Lakian's February 4<sup>th</sup> arrest. However, the press releases issued by the FBI and the US Attorney's Office for the Eastern District of New York, copies of which are collectively annexed hereto as Exhibit A, confirm that Mr. Lakian was arraigned on February 4 – i.e., the day he was arrested. Moreover, Mr. Lakian's bail hearing is set to take place this afternoon at 2pm according to the calendar of Magistrate Judge Scanlon, before whom such hearing will take place. A copy of Magistrate Judge Scanlon's calendar is annexed hereto as Exhibit B.

Finally, the existing date for the submission of post-hearing briefs, March 2, already reflects an extension of time requested by Mr. Sorokoff, whom counsel for the Respondents indicated would be preparing the post-hearing brief, because Mr. Sorokoff was tied up with another matter this week. I would note, as well, that Mr. Sorokoff is not a member of Mr. Carmen's firm, and Mr. Carmen has not suggested in his letter that Mr. Sorokoff -- the attorney actually writing Respondents' post-hearing brief -- is involved with Mr. Lakian's bail hearings.

It is Claimants' position that the existing due date for post-hearing submissions, March 2, already reflects the assumption that this week would be a wash for Mr. Sorokoff, and that all arraignment and bail proceedings relating to Mr. Lakian's arrest-- and thus Mr. Carmen's firm's involvement therein -- will be concluded by the end of this week. Accordingly, Claimants do not believe that any adjustment of the existing briefing schedule is warranted, and strenuously

Hon. Stephen G. Crane (Ret.)  
February 6, 2015  
Page 2

oppose the requested adjournment to March 23. However, in the spirit of compromise, Claimants would agree to a modest extension, from Monday, March 2 to Friday, March 6.

Respectfully,

A handwritten signature in black ink, appearing to read "Caitlin L. Bronner", with a long horizontal flourish extending to the right.

Caitlin L. Bronner

cc: Richard E. Carmen, Esq. (by e-mail only)

# Exhibit A

2/4/2015

Investment Managers Arrested And Charged In \$11 Million Investment And \$8 Million Bank Fraud Schemes

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## Investment Managers Arrested And Charged In \$11 Million Investment And \$8 Million Bank Fraud Schemes

**FOR IMMEDIATE RELEASE**

Wednesday, February 4, 2015

### *Defendants Stole Investors Moneys to Pay for Restaurant Ventures and to Keep for Themselves*

John R. Lakian and Diane W. Lamm have been charged in a five-count indictment alleging conspiracy to commit securities, wire and bank fraud, and two counts of substantive securities fraud in connection with schemes to defraud investors and banks of millions of dollars. The defendants will be arraigned later today at the federal courthouse in Brooklyn, New York.

The charges were announced by Loretta E. Lynch, United States Attorney for the Eastern District of New York and Diego G. Rodriguez, Assistant Director-in-Charge, Federal Bureau of Investigation, New York Field Office (FBI).

According to the indictment, between February 2009 and July 2013, the defendants were involved in two schemes to steal investors' money. In the first, the defendants obtained more than \$11 million by promising investors that their money would be used to purchase, consolidate and sell registered investment advisory businesses. Instead of investing

the money as promised, the defendants diverted a significant amount of it into their own pockets, to restaurant businesses they controlled, and to pay Lakian's home mortgage. In the second scheme, the defendants perpetrated fraud through their management of the liquidation of a North Carolina-based investment fund with more than 100 investors. Instead of returning the fund's proceeds to investors, Lakian and Lamm diverted investors' money to themselves and to restaurant businesses they controlled. In addition, the indictment alleges a third scheme in which, between 2009 and 2012, Lakian and Lamm submitted fake tax returns, bank statements, and other false documents to banks in Brooklyn, Long Island, and elsewhere in applications to obtain more than \$8 million in loans. These forged documents overstated Lakian's income and assets by millions of dollars.

"As alleged, Lakian and Lamm preyed upon more than 100 investors, in multiple schemes, stealing their hard-earned money to use for their own purposes. They similarly disregarded the interests of lending institutions by submitting forged documents to banks in an attempt to fraudulently secure more than \$8

2/4/2015

Investment Managers Arrested And Charged In \$11 Million Investment And \$8 Million Bank Fraud Schemes

million in loans” stated United States Attorney Lynch. “This Office will investigate and prosecute to the fullest extent those who victimize investors and commit financial fraud.”

“As charged, instead of carefully investing their clients’ money, one defendant paid off his mortgage, and in another instance the defendants diverted cash to a restaurant venture. They lied, cheated, and stole. This type of behavior is unacceptable. It’s also illegal. And it should be a stark reminder to anyone who is driven by greed. These insidious investment schemes will be identified and disrupted,” stated FBI Assistant Director-in-Charge Rodriguez.

The charges contained in the indictment are merely allegations, and the defendants are presumed innocent unless and until proven guilty. If convicted, the defendants face a maximum sentence of 30 years’ imprisonment on the bank fraud count, 20 years on each of the securities fraud counts, and 5 years on the securities and wire fraud conspiracy counts. Additionally, if convicted, Lakian and Lamm may be fined up to \$5 million for the securities fraud counts and \$1 million for the bank fraud count.

The government’s case is being prosecuted by Assistant United States Attorney Whitman G.S. Knapp and Brian D. Morris.

This prosecution was the result of efforts by President Obama's Financial Fraud Enforcement Task Force (FFETF) which was created in November 2009 to wage an aggressive, coordinated, and proactive effort to investigate and prosecute financial crimes. With more than 20 federal agencies, 94 U.S. Attorneys’ Offices, and state and local partners, it’s the broadest coalition of law enforcement, investigatory, and regulatory agencies ever assembled to combat fraud. Since its formation, the task force has made great strides in facilitating increased investigation and prosecution of financial crimes; enhancing coordination and cooperation among federal, state, and local authorities; addressing discrimination in the lending and financial markets and conducting outreach to the public, victims, financial institutions, and other organizations. Over the past three fiscal years, the Justice Department has filed more than 10,000 financial fraud cases against nearly 15,000 defendants including more than 2,700 mortgage fraud defendants. For more information on the task force, visit <http://www.StopFraud.gov>.

#### The Defendants:

JOHN R. LAKIAN

Age: 72

Highlands, North Carolina

DIANE W. LAMM

Age: 54

Highlands, North Carolina

E.D.N.Y. Docket No. 15-CR-0043 (FB)

[Return to Top](#)



## **Investment Managers Arrested and Charged in \$11 Million Investment and \$8 Million Bank Fraud Schemes Defendants Stole Investors Moneys to Pay for Restaurant Ventures and to Keep for Themselves**

**fbi.gov** [newyork.press-releases/2016/investment-managers-arrested-and-charged-in-11-million-investment-and-8-million-bank-fraud-schemes](#)

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**The Defendants:**

**JOHN R. LAKIAN**

Age: 72

Highlands, North Carolina

**DIANE W. LAMM**

Age: 54

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E.D.N.Y. Docket No. 15-CR-0043 (FB)

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# Exhibit B

United States District Court  
Eastern District of New York  
Magistrate Judge SCANLON, VERA M.  
(Criminal Duty Records)  
Thursday, February 5, 2015  
**Courtroom 2A S**

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11:00 AM

Criminal Cause for Arraignment

**15cr00031 (CBA)**

**USA V. BANEGAS**

*Def.* - DENIS BANEGAS

AUSA Ryan Harris Federal Defender Jan Rostal  
Spanish Interpreter Requested

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Criminal Cause for Arraignment

**15cr00032 (BMC)**

**USA V. JOHNSON**

*Def.* - TERENCE JOHNSON

AUSA Karen Koniuszy Federal Defender Jan Rostal

\*

02:00 PM

Criminal Cause for Bail Application

**10cr00113 (DLI)**

**USA V. BISHOP**

*Def.* - KAWRON BISHOP

AUSA T. Smith Dfse M. Siegel CJA to be appt

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**15mj00081 (RLM)**

**USA V. TRIMIS**

*Def.* - GEORGE TRIMIS

IDENTITY HEARING

AUSA K. Edelman Dfse K. Sundaram

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United States District Court  
Eastern District of New York  
Magistrate Judge SCANLON, VERA M.  
(Criminal Duty Records)  
Friday, February 6, 2015  
Courtroom 2A S

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11:00 AM

14mj00821 (VMS)

USA V. JOHN DOE 1:14-MJ-821

Def. - JOHN DOE 1:14-MJ-821

OED

AUSA Margaret Lee

CJA Mitchell Golub

On Bond

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Criminal Cause for Arraignment

15cr00030 (JBW)

USA V. BENJAMIN

Def. - JASON BENJAMIN

AUSA: Michael Robotti

Federal Defender: Len Kamdang

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Bail Application

15mj00090 ()

USA V. THOMPSON

Def. - ALVAUN THOMPSON

AUSA M. Jacobs Dfse M. Weil

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Bail Application

15mj00092 ()

USA V. PETERS

Def. - BOLA PETERS

AUSA R. Hurris Dfse S. Zissou

\*

02:00 PM

Criminal Cause for Bail Application

15cr00053 ()

Def. - JOHN LAKIAN

AUSA W. Knapp Dfse B. Maffeo

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Criminal Cause for Bail Application

15cr00053 ()

Def. - DIANE LAMM

\*